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3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF WASHINGTON  
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6 IN RE: DEATLEY LITIGATION

7 )  
8 ) No. CV-06-0278-JLQ  
9 )

10 ) ORDER DENYING MOTION  
11 ) FOR RECONSIDERATION OF  
12 ) ORDER DENYING MOTION TO  
13 ) EXPEDITE  
14 )

15 The Defendant's Motion For Reconsideration Of Order Denying Motion To  
16 Expedite (C. R. 580) is **DENIED**.

17 The matter of the Defendant's Motion For Sanctions by reason of the alleged  
18 failure of H & K to produce billing documents will be heard at the Pre-trial Conference  
19 on September 11, 2008. *Inter alia*, the court will hear the argument of counsel and  
20 evidence, if any, concerning the destruction or unavailability of billing records. If the  
21 ultimate sanction of dismissal of this extended matter is not granted, the court will hear  
22 from counsel as to the evidence, if any, which may be offered at trial concerning the lack  
23 of billing records. Without ruling, if this action is not dismissed, it would appear to the  
24 court that billing records, or the lack thereof, may be appropriate matters to be submitted  
25 to the jury, although the ultimate remaining issue is the amount, if any, of attorney fees  
26 that should be awarded to H & K for services rendered to Alan DeAtley in the underlying  
27 litigation.

28 The Clerk of this court shall enter this Order and forward copies to counsel.

**DATED** this 18th day of August 2008.

25 s/ Justin L. Quackenbush  
26 JUSTIN L. QUACKENBUSH  
27 SENIOR UNITED STATES DISTRICT JUDGE